



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,546	03/06/2000	Frederik Ekkel	US-000014	8972

7590

04/25/2003

c/o PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
Corporate Intellectual Property
1000 West Maude Ave
Sunnyvale, CA 94085

EXAMINER

CHANG, ERIC

ART UNIT

PAPER NUMBER

2185

DATE MAILED: 04/25/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary

Application No.

09/519,546

Applicant(s)

EKKELE ET AL.

Examiner

Eric Chang

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-14 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-14 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 2-8,10-14 and 20-24 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 2-8,10-14 and 20-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-8,10-14 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,012,088 to Li, et al. in view of U.S. Patent 6,530,083 to Liebenow.

5. As to claim 20, Li discloses a method of enabling a user to configure a device, comprising:

[a] providing user-access to a server over a network to enter a preference for configuration for the device [col. 9, lines 20-28];

[b] generating control data according to the preference for configuration [col. 9, lines 50-61]; and

Art Unit: 2185

[c] sending the control data onto the device causing an initiation of the device configuration according to the entered preference [col. 12, lines 13-17].

Li teaches the user-selected preference for configuration respects enabling processing of the device, but does not teach that the preference for configuration respects a play out of multimedia content.

Liebenow teaches user-selected preferences for configuration for a device with respect to the play out parameters of multimedia content [col. 1, lines 58-67, and col. 2, lines 1-6], such as audio/video settings or other settings [col. 1, lines 13-28]. In addition, Liebenow also teaches that this data may be saved at a remote computer, such as a network server [col. 9, lines 41-45], substantially as claimed.

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the multimedia settings as taught by Liebenow. One of ordinary skill in the art would have been motivated to do so that the device can be configured to present multimedia content according to a user's preference in addition to being configurable according to the settings necessary to enable the processing of said device.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of configuring a device according to a user-selected preference for the configuration of a device. Moreover, the multimedia settings taught by Liebenow would improve the flexibility of Li because it allowed settings to be saved according to a plurality of users for the device as well.

Art Unit: 2185

6. As to claim 21, Liebenow teaches user-selected preferences for configuration for a device with respect to the play out parameters of multimedia content [col. 1, lines 58-67, and col. 2, lines 1-6], such as audio/video settings or other settings [col. 1, lines 13-28].

7. As to claim 2, Li discloses downloading the control data from the server [col. 22, lines 64-67]. Li teaches the control data is downloaded from the server and used to configure the equipment, substantially as claimed.

8. As to claims 3 and 4, Li discloses downloading the control data to a further system for programming the equipment upon transfer of the control data from the further system to the equipment [col. 18, lines 2-6]. Li discloses a further system to be used by the consumer to communicate with the server to access and retrieve control information for the equipment to be programmed [col. 9, lines 20-28, and col. 9, lines 50-61]. It would be obvious to one of ordinary skill in the art to employ devices such as a set-top box, a PC, a telephone, or any other communications means to communicate with the server system. Furthermore, Li teaches that a trained network operator is available for determining configuration information as needed by the consumer [col. 2, lines 45-52]. It would be obvious to one of ordinary skill in the art to use a telephone to communicate with a human operator to interact with the server application to generate the control data, substantially as claimed.

9. As to claim 5 and 7, Li discloses the consumer interacts with the server via a further system different from the equipment to be programmed [col. 18, lines 2-6]. Li discloses the

Art Unit: 2185

device serving as the further system to set the control information may be different from the equipment to be programmed, and by being separate, necessarily remote from said equipment.

10. As to claim 6, Li discloses the server provides respective applications for being interacted with via further systems [col. 9, lines 20-28, and col. 9, lines 50-61]. Since the consumer is interacting with the server to generate the control data, it is inherent that the server provides an application to enable the interaction, substantially as claimed.

11. As to claim 8, Li discloses the consumer requests the server to establish contact with the equipment [col. 22, lines 58-63] and the server establishes the contact in response to the consumer's request [col. 22, lines 60-65]. Li teaches the consumer sends a request to the server for control information, and that the server subsequently sends the requested configuration data.

12. As to claim 10, Li discloses the equipment comprises at least one of the following: a PVR, an audio jukebox, a television, or a home entertainment system [col. 25, lines 34-53, and col. 26, lines 1-8]. Li teaches that his method may be applied to any device that has output means for presenting information to the user that needs to be automatically configured with control data from a server, substantially as claimed. Further, Li teaches that his method is not restricted solely to computer systems, and that general-purpose machines, such as a PVR, an audio jukebox, a television, or a home entertainment system, may be used with the configuration programs as taught by Li.

Art Unit: 2185

13. As to claims 11-12, Li discloses the consumer is enabled to interact with the application via speech input, for example, with a human operator who interacts with the server application based on the consumer's input [col. 9, lines 20-28, and col. 9, lines 50-61]. Since the consumer is interacting with the server to generate the control data, it is inherent that the server provides an application to enable the interaction, substantially as claimed. Furthermore, Li teaches that a trained network operator is available for determining configuration information as needed by the consumer [col. 2, lines 45-52]. It would be obvious to one of ordinary skill in the art to use such a human operator to serve as a facilitator, taking speech input from the consumer, and entering the necessary information into the server application to generate the control data, substantially as claimed.

14. As to claim 13, Li discloses the server has a database with information relating to the consumer [col. 9, lines 50-53] and the generation of the control data takes into account the information in the database [col. 9, lines 50-61].

15. As to claim 14, Li discloses a second consumer may program the equipment according to the preferences of the second consumer via the network, a server application, and the subsequent generated control data [col. 9, lines 20-28, and col. 9, lines 50-61]. Because Li teaches the method for one consumer, Li teaches the method may be used by a second consumer to program the equipment, substantially as claimed.

Art Unit: 2185

16. As to claims 22 and 24, Li and Liebenow teach the method for configuring a device using control data generated by a server from an entered user preference for configuration of the device, with respect to a processing and play-out of multimedia content. Because Li and Liebenow teach the method, they teach the device capable of implementing said method, substantially as claimed.

17. As to claim 23, Liebenow discloses the device may comprise a personal video recorder, such as a VCR, video-disk recorder, or other television/computer convergent system, substantially as claimed [col. 3, lines 1-18].

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 2185

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ec
April 20, 2003


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100